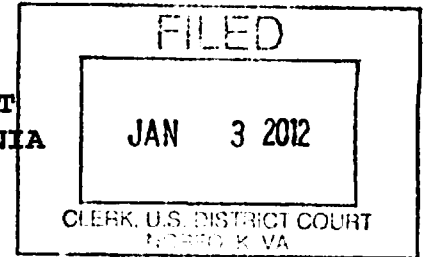


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



MICHAEL ANDREW BOYD, #1201467 :
 :
 Petitioner, :
 v. : CIVIL ACTION NO. 2:11cv205
 :
 HAROLD W. CLARKE, Director, :
 Virginia Department of Corrections, :
 :
 Defendant. :

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus, which the Court reviewed and filed pursuant to 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to Petitioner's convictions Newport News Circuit Court and Hampton Circuit Court on October 10, 2007 and November 9, 2007, respectively, for aggravated sexual battery, exposing sexual parts, forcible sodomy and attempted rape, as a result of which he was sentenced to serve a total of twenty-nine (29) years in prison.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed November 28, 2011, recommends dismissal of the petition with prejudice. The Court has received no objections to the Report and


Recommendation and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed November 28, 2011, and it is therefore ORDERED that respondent's Motion to Dismiss be GRANTED, and that the petition be DENIED and DISMISSED with prejudice. It is further ORDERED that judgment be entered in favor of respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and to counsel of record for respondent.

/s/ 

REBECCA BEACH SMITH
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

12-30, 2011